

REMARKS

The Final Office Action mailed July 27, 2006 has been received and reviewed. Claims 1-21 are pending. Claims 1-7, 9-17 and 21 are rejected under newly cited art. Claims 8 and 18-20 are objected to. Claims 1 and 11 are amended in light of the newly cited art and could not have been amended previously for that reason.

Because the claims are newly rejected under newly cited art that was not previously found or presented at a time when Applicants could have made any appropriate amendments, the Applicants submit that it is inappropriate under the requirements of MPEP § 706.07(b) to make the present Office Action final, and is contrary to the spirit of MPEP § 706.07 in providing the Applicants the opportunity to define their invention without being prematurely cut off in the prosecution of their application. For that reason, the Applicants respectfully request that the holding of the Office Action as final be withdrawn under MPEP § 706.07(d).

The Applicants respectfully request entry of the claim amendments as provided above, and submit that the application is now in condition for allowance for the reasons stated below.

Objection To Drawings

The drawings are objected to on the grounds that “the at least one vane extending radially in length from a central axis” as recited in claim 1 is not shown. The objection is traversed. A vane as recited in claim 1, both as originally presented and as amended herein, is shown in FIGS. 1, 8 and 9.

Rejection Of Claims 1 And 9 Under 35 U.S.C. § 102(b)

Claims 1 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hopfensperger (US 4,761,115). The rejection is traversed and/or overcome by clarifying amendment of claim 1. Hopfensperger teaches an impeller for a fan which, by definition, requires an impeller and vane structure that provides axial air flow.

Indeed, Hopfensperger explicitly describes a vane structure that provides axial flow of air from the impeller. Claim 1, as originally presented, is directed to an impeller and vane for a centrifugal pump, which provides for radial fluid flow. Claim 1 has been further amended, however, to clarify that the impeller and vane are structured for use in a centrifugal pump to provide radial flow. Claims 1 and 9 are not anticipated by Hopfensperger, therefore.

Rejection Of Claims 1-4, 6, 10-15, 17 And 21 Under 35 U.S.C. § 102(b)

Claims 1-4, 6, 10-15, 17 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by James (US 4,781,531). The rejection is traversed in part and otherwise overcome by amendment. James does not teach at least one vane as required by claims 1 and 11. Rather, James describes an impeller having “a vane section, which comprises a plurality of passages (37) extending upward and outward from the inlet portion (35).” (See column 2, lines 34-36.) Since James does not teach at least one vane as required, claims 1 and 11 are not anticipated by James. That fact notwithstanding, amended claims 1 and 11 require at least one vane of an impeller of a centrifugal pump which has a centerline about which the outer terminal end of the vane is radially symmetrical. To the extent that James might be considered to teach at least one vane as asserted in the Examiner’s marked-up figure attached to the Official Action, the centerline of that vane as depicted by the Examiner in the marked-up drawing indicates that the outer terminal end of the vane is radially asymmetrical about the centerline in contravention to the requirements of amended claims 1 and 11. Therefore, claims 1-4, 6, 10-15, 17 and 21 are not anticipated by James.

Rejection Of Claims 1-5, 7, 9, 11, 12 And 14-16 Under 35 U.S.C. § 102(b)

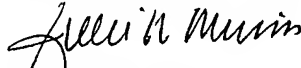
Claims 1-5, 7, 9, 11, 12 and 14-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Trumpler (US 2,471,174). The rejection is overcome. As amended, claims 1 and 11 require a vane having a centerline where the outer terminal

end (claim 1) or outwardly extending portion of the outer terminal end (claim 11) of the vane is radially symmetrical about the centerline. Trumpler discloses a vane which is radially asymmetrical about the centerline, as depicted by the Examiner's marked-up drawing of the Trumpler vane. Therefore, Claims 1-5, 7, 9, 11, 12 and 14-16 are not anticipated by Trumpler.

CONCLUSION

In view of the arguments presented, the Applicants submit that claims 1-21 present patentable subject matter. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Julie K. Morriss
Registration No. 33,263
Attorney for Applicants
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

Date: September 20, 2006